

REMARKS

Claims 1-4, 7-15 and 17, 18 and 21-27 are pending in this application after this Amendment. Claims 1-28 have been rejected. Claims 5, 6, 16, 19, 20 and 28 have been canceled without prejudice or disclaimer of the subject matter therein. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

As an initial matter, the Advisory Action indicated that the claim amendments made in Applicants' Amendment After Final dated December 28, 2007 would be entered for purposes of appeal. Accordingly, because Applicants are filing a Request for Continued Examination (RCE) and not an appeal, Applicants believe the claim amendments will not be entered. Accordingly, Applicants have amended the claims based on the claims as the claims appeared prior to the December 28 Amendment.

Claims 1-25, 27 and 28 have been rejected under 35 U.S.C. §102(e) as being anticipated by Brady et al. (U.S. Patent 7,200,612), hereafter Brady. Claim 26 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Giger et al. (U.S. Patent Application Publication 2001/0043729), hereafter Giger. Claims 1-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Giger and further in view Schultz (U.S. Patent 6,735,329). Applicants respectfully traverse these rejections for at least the reasons set forth hereafter.

Brady is directed to a system for processing data for interpretation wherein the submission of data (such as image data) obtained locally from instrumentation is provided automatically to a remote database that grows over time (abstract). The information in the database is from multiple users that may be produced from a plurality of geographically separate sites. In particular, the database 20 includes an interpretation database 22 that stores interpretations produced by different users and an intelligent information database 23 that stores a set of intelligent agents 24 that produce statistical generalizations about particular users, groups of users, classes of data, etc. Additionally, software is provided to develop training programs from the information in the database 20 that can include user-supplied examples and examples chosen by the intelligent agent 24 from the database 20 (column 5, line 23 to column 6, line 58).

Schultz is directed to a method for image recognition and association wherein a collection or library of images drawn from surgical procedures is created. A set of images may be based on a surgical procedure with each image representing a different step of the procedure. Text may be associated with each of the images and the optimum or best step or action within a given procedure may be identified (column 4, line 50 to column 5, line 24).

Independent claim 1, as amended, recites a knowledge-based diagnostic imaging system that includes, among other elements, a controller “for accessing said database based on said new patient data set and providing automated instructions and wherein said diagnostic equipment compares new and past patient data sets to determine whether additional information is needed and highlights abnormalities in an image generated from said new patient data set.” Moreover, independent claim 12, as amended, recites a method for providing knowledge-based diagnostic imaging that includes, among other elements “comparing new and past patient data sets and determining whether additional information is needed based on said comparison” and “highlighting abnormalities in an image generated from said new patient data set.” Applicants submit that the cited prior art fails to describe such a system and method.

The Final Office Action (dated October 31, 2007) at page 5 asserts that Brady describes diagnostic equipment that highlights abnormalities in an image generated from new patient data by using an overlay on an image contour (citing Brady, column 5, lines 65-67). Applicants respectfully disagree. This portion of the Brady reference only describes identifying a ventricular wall from *original data* and then overlaying on the image contour the corresponding wall. In contrast, the claimed invention uses new patient data to generate the highlighted abnormality. Moreover, Brady does not describe highlighting an abnormality, but instead, describes highlighting an image contour. An image contour is not an abnormality. Accordingly, Applicants submit that independent claims 1 and 12 are allowable over the cited prior art.

Additionally, independent claim 21, as amended, recites a network comprising, among other elements, “an interconnection between said diagnostic equipment and said database, said database providing past patient images for previously analyzed patients and wherein said interconnection provides on-line real-time interaction between different interconnected facilities” and a controller “for accessing said past patient images based on said new patient images and

providing automated instructions and wherein said diagnostic equipment determines whether additional information is needed from an operator after comparing said new patient image to said past patient images.” Applicants submits that the cited prior art fails to describe such a network.

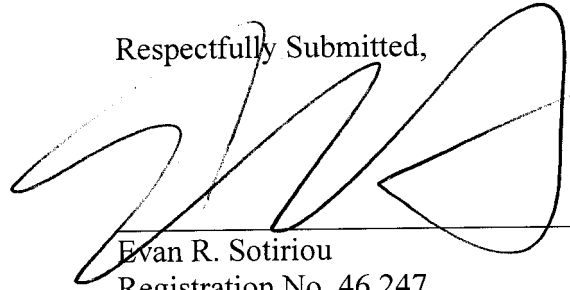
The cited prior art may describe providing statistical information from a variety of local sites (see, e.g., Brady, abstract) that may be later accessed for use in analysis and for training purposes (see, e.g., Brady, column 3, line 7 to column 4, line 65). However, Applicants submit that the cited prior art does not describe “wherein said interconnection provides on-line real-time interaction between different interconnected facilities.” This type of real-time interaction between different facilities using the interconnection is not described in the cited prior art. The information provided in the cited prior art is acquired from different facilities and then stored for later access by different sites. The sites are not interconnected to allow on-line real-time interaction as recited in claim 21. Accordingly, Applicants submit that independent claim 21 is allowable over the cited prior art.

Additionally, the Schultz and Giger references fail to make up for the deficiencies in the Brady reference as discussed in Applicants’ previous Amendment After Final.

Moreover, Applicants submit that dependent claims 2-4, 7-11, 13-15, 17, 18 and 22-27 recite additional subject matter not anticipated nor rendered obvious by the cited prior art. Further, dependent claims 2-4, 7-11, 13-15, 17, 18 and 22-27 are likewise patentable over the cited prior art based at least on the dependency of these claims from the independent claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Evan R. Sotiriou

Registration No. 46,247

THE SMALL PATENT LAW GROUP LLP

611 Olive Street, Suite 1611

St. Louis, Missouri 63101

(314) 584-4080